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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,
v.
SARATOGA ASSOCIATES LLC,
Defendant.

Case No. 18-cv-06445-SVK

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT ISSUE FOR
MISREPRESENTATIONS TO THE
COURT; DENNIS PRICE AND AMANDA
SEABOCK TO APPEAR IN PERSON**

Re: Dkt. Nos. 23, 24, 25

On September 30, 2019, Plaintiff filed a Notice of Settlement and requested sixty days to file a dismissal. Dkt. 22. On October 1, 2019, the Court issued an order directing Plaintiff to file a dismissal or to show cause why a dismissal was not filed by December 3, 2019. Dkt. 23.

Incredibly, on December 3, 2019, Plaintiff filed two documents, each of which purports to reflect the current status of the case and each of which directly contradicts the other. Dkts. 24, 25. First, Plaintiff filed a “Notice re: Inability to Consummate Settlement; Request to Return Case to Active Calendar” (“Notice”) signed by Dennis Price. Dkt. 24. In the Notice, Mr. Price represents to the Court that “[n]o settlement agreement has been executed and the parties have reached an impasse.” Dkt. 24 at 2. Next, Plaintiff filed a “Declaration of Amanda Seabock in Response to Order to Show Cause” wherein Ms. Seabock declares, under penalty of perjury: “The written Settlement Agreement has been finalized and the Parties are in the process of circulating for signatures. Per the terms of the Agreement, Plaintiff estimates that the dismissal can be filed within ten (10) days of this date.” Dkt. 25 at 2.¹

Given these contradictory documents, the Court properly asks Plaintiff to identify which statement accurately reflects the status of the case. The Court will take the responses of Mr. Price

¹ Both pages of Ms. Seabock’s declaration are numbered “1.” The offensive language appears on the second “1.”

1 and Ms. Seabock live and on the record at the order to show cause hearing on December 10, 2019
2 at 10:00 a.m. Dkt. 23. Counsel should be prepared to explain to the Court why they should not be
3 sanctioned for abuse of process.

4 **SO ORDERED.**

5 Dated: December 4, 2019

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8 SUSAN VAN KEULEN
9 United States Magistrate Judge
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